

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FRANKLIN VEGA, ET AL.	:	
	:	
Plaintiffs	:	CIVIL ACTION
	:	
vs.	:	
	:	NO. 08-CV-05932
COLUMBIA BOROUGH, ET AL.	:	
	:	
Defendants	:	

ORDER

AND NOW, this 14th day of July, 2009, upon consideration of the Defendants' Motion to Dismiss, (Doc. No. 10), and the parties' moving papers, the Motion is GRANTED IN PART and DENIED IN PART. It is hereby ORDERED¹ that:

1. Columbia Borough Police Department is DISMISSED as a party to this civil Action, by stipulation of the parties;
2. Counts two and three are limited to alleged violations of the Fourth Amendment, actionable here through 42 U.S.C. § 1983, by stipulation of the parties;
3. Count Four is DISMISSED, by stipulation of the parties;
4. Count Six is DISMISSED, by order of the Court; and

¹ Because the Court is rendering a decision on a motion to dismiss, the Court is granting the Plaintiff leave to file an amended complaint within 20 days of the instant Order. If Plaintiff does not wish to amend his Complaint, the Court requests that the Plaintiff give notice of his intent to stand on his Complaint in light of the instant Order, in which case the Defendants are expected to respond accordingly. See Alston v. Parker, 363 F.3d 229, 236 (3d Cir. 2004).

5. All other claims against the remaining Defendants survive the instant Motion to Dismiss, including the claims asserted against Columbia Borough in counts two and three.

BY THE COURT:

/s/ Thomas M. Golden

THOMAS M. GOLDEN, J.